

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 08-00098-01-CR-W-FJG
Samuel Brooks,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is defendant's motion to suppress physical evidence (Doc. #32, August 28, 2008); and the government's suggestions in opposition (Doc. #35, September 19, 2008).

On October 23, 2008, United States Magistrate Robert E. Larsen held a hearing on the motion to suppress evidence. Thereafter on November 3, 2008, United States Magistrate Larsen entered a report and recommendation (Doc. #46) which recommended granting the above-mentioned motion. The government filed a notice of intent to not file objections to the magistrate's report and recommendation to grant the motion to suppress on November 10, 2008 (Doc. #49).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress (Doc. #32), filed August 28, 2008, must be granted.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress physical evidence (Doc. #32), filed August 28, 2008, is granted.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 11/12/08  
Kansas City, Missouri